

10 MALIBU MEDIA, LLC,

11 Plaintiff,

12 v. No. C 16-01011 WHA

13 JOHN DOE SUBSCRIBER ASSIGNED
14 IP ADDRESS 71.204.166.188,

15 Defendant.

16 / **ORDER GRANTING EX PARTE
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**17 Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various
18 pornographic films and that John Doe defendant directly infringed those copyrights by
19 distributing the films on the Internet, using the above-captioned IP address. Malibu Media now
20 seeks leave to serve a subpoena on third party Comcast Cable Communications, LLC, in order
21 to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.22 Malibu Media's motion is hereby **GRANTED**. This is without prejudice to any motions
23 to quash or modify the subpoena that may be filed by any interested party, including Comcast or
24 the subscriber assigned to the IP address. Furthermore, the following limitations apply:25 • The subpoena shall only request the actual name and address of the
26 subscriber to whom Comcast assigned the above-captioned IP address.
27 • The subpoena shall only seek the name and address of the subscriber for
28 the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged
infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged
infringing act.

1 • Malibu Media shall attach a copy of this order to the subpoena.

2 • Malibu Media may not use any information disclosed by Comcast for any

3 purpose other than protecting its rights as set forth in the complaint.

4 • Comcast shall, in turn, serve a copy of the subpoena and a copy of this

5 order on the subscriber within **TWENTY-FOUR DAYS** of the date of service

6 on Comcast.

7 • The return date on the subpoena shall be no less than **FORTY-FIVE DAYS**

8 from the date of service on Comcast. Comcast shall not disclose any

9 identifying information about defendant to Malibu Media prior to the

10 return date or prior to the resolution of any motions to quash or modify

11 the subpoena.

12 • Malibu Media shall not disclose defendant's name, address, telephone

13 number, email, social media username, or any other identifying

14 information, other than defendant's IP address, that it may subsequently

15 learn. All documents including defendant's identifying information,

16 apart from his or her IP address, shall be filed under seal, with all such

17 information redacted on the public docket, unless and until the Court

18 orders otherwise and only after defendant has had an opportunity to

19 challenge the disclosure of any identifying information. Malibu Media

20 explicitly consented to the inclusion of such a protection in its motion.

21 • Malibu Media must seek leave to serve subpoenas on any other service

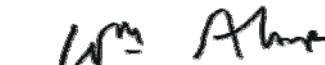
22 provider besides Comcast in this matter.

23 Any motions relating to the subpoena or the protective order discussed above shall be

24 filed prior to the return date of the subpoena.

25 **IT IS SO ORDERED.**

26 Dated: March 23, 2016.

27 
28 WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE